

# Notice of Allowability

Application No.

09/899,046

Examiner

Timothy M. Brown

Applicant(s)

MAERTENS ET AL.

Art Unit

1648

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the After-Final Amendment filed 9/14/05 and the telephonic interview of 2/7/06.
2. ☒ The allowed claim(s) is/are 45-56.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 08/362,455.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date attached.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

*TMB*  
*2/7/06*

*Examiner's Amendment*

An Examiner's Amendment appears below. Authorization for this Examiner's Amendment was given in a telephone interview with B.J. Sadoff, Esq., on February 7, 2006.

The claims are amended as follows:

45. (Amended by Examiner) An isolated HCV antibody which specifically binds to a type 3 3a HCV antigen ~~selected from the group consisting of:~~

(i) ~~an antigen~~ consisting of 5 or more contiguous amino acids selected from the region spanning positions 140 to 191 of the Core region of HCV type 3a, wherein the antigen contains at least one HCV genotype 3a-specific amino acid.

46. (Amended by Examiner) The HCV antibody according to claim 45 wherein said ~~antigen is consisting of 5 or more contiguous amino acids selected from~~

(i) ~~the region spanning positions 140 to 191 of the Core region of HCV type 3a is~~ any one of identified by SEQ ID NOs: 14, 16, 18, 20, and 24, wherein the antigen contains at least one HCV genotype 3a-specific amino acid.

47. (Amended by Examiner) The HCV antibody according to claim 45 which has been produced upon immunization of a mammal with ~~any of said antigens~~ antigen.

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48. (Previously Presented) The HCV antibody according to claim 45 which is a monoclonal antibody.

49. (Previously Presented) A humanized version of an HCV antibody according to claim 48.

50. (Previously Presented) The humanized version of an HCV antibody according to claim 49 which has been humanized by means of recombinant DNA technology.

51. (Previously Presented) The HCV antibody according to claim 45 which further comprising a label.

52. (Previously Presented) The HCV antibody according to claim 51 wherein said label is of the enzymatic, fluorescent or radioactive type.

53. (Previously Presented) A composition comprising an HCV antibody according to claim 45.

54. (Previously Presented) A kit for determining the presence of HCV antigens present in a biological sample, said kit comprising:

- (a) at least one HCV antibody according to claim 45,
- (b) a buffer enabling the binding reaction between an HCV antibody of (a) and an

HCV antigen present in said biological sample; or components necessary for producing said buffer,

(c) a means for detecting the immune complexes formed between an HCV antibody of (a) and an HCV antigen present in said biological sample.

55. (Previously Presented) A kit for determining the presence of HCV antigens present in a biological sample, said kit comprising at least one HCV antibody according to claim 45.

56. (Withdrawn) A method for determining the presence of HCV antigens present in a biological sample, said method comprising the steps of:

(a) contacting said biological sample with at least one HCV antibody according to claim 45,

(b) detecting the immune complexes formed in (a),

(c) inferring from (b) the presence of said HCV antigens in said biological sample.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Brown whose telephone number is (571) 272-0773. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

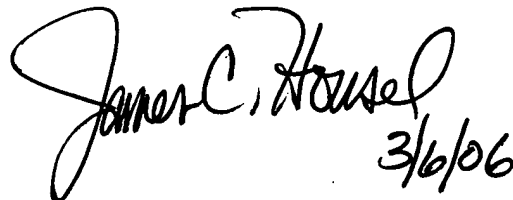
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on (571) 272-0902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Timothy M. Brown  
Examiner  
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tmb

Handwritten signature of James C. House in black ink, with the date 3/6/06 written below it.

JAMES HOUSEL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600